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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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| | | |
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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/803,211 |
| | Filing Date | March 8, 2001 |
| | First Named Inventor | Bruce Bryan |
| | Group Art Unit | |
| | Examiner Name | |
| Total Number of Pages in This Submission | Attorney Docket Number | LUME 48491 |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
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| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | - Verified Statement Concerning Sequence Listing |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | - return postcard |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Robert S. Klemz Pietragallo, Bosick & Gordon |
| Signature | |
| Date | July 27, 2001 |

| CERTIFICATE OF MAILING | | | |
|--|-----------------|------|---------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 7/27/01 | | | |
| Attn: Box Missing Parts | | | |
| Typed or printed name | Robert S. Klemz | | |
| Signature | | Date | 7/27/01 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Bruce Bryan

Group Art Unit: Unassigned

Serial No.: 09/803,211

Examiner: Unassigned

Filed: March 8, 2001

Attorney Docket No. LUME 48491

Title: BIOLUMINESCENT NOVELTY ITEMS

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES

July 27, 2001

Assistant Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231

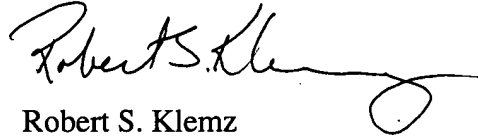
Dear Sir:

This is filed in response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures mailed May 29, 2001 setting a shortened statutory period for reply set to expire on July 29, 2001.

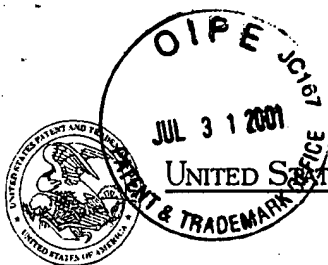
The Notice indicated that the application does not contain a statement as required pursuant to 37 CFR 1.821(f). Enclosed is a Verified Statement Concerning Sequence Listing signed by Stephanie Seidman, as required by 37 CFR 1.821(f).

Please charge any fees or credit overpayment associated with this communication
to Deposit Account 500859. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert S. Klemz", with a long horizontal flourish extending to the right.

Robert S. Klemz
Registration No. 46,305
Pietragallo, Bosick & Gordon
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219



UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/803,211 | 03/08/2001 | Bruce Bryan | 24729-105G |

CONFIRMATION NO. 7925

FORMALITIES LETTER



OC000000006124074

Stephanie Seidman
Heller Ehrman White & McAuliffe LLP
7th Floor
4250 Executive Square
La Jolla, CA 92037

Date Mailed: 05/29/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
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PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

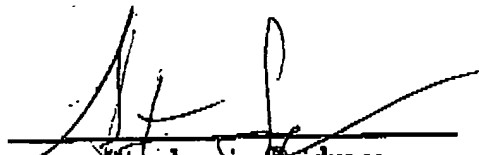
In re: Application of Bruce Bryan Group Art Unit: Unassigned
Serial No. 09/803,211 Examiner: Unassigned
Filed: March 8, 2001 Attorney Docket No. LUME 48491
Title: BIOLUMINESCENT NOVELTY ITEMS

VERIFIED STATEMENT CONCERNING SEQUENCE LISTING

I, Stephanie Seidman, declare that I personally prepared the computer-readable form of the Sequence Listing set forth in the above-entitled patent application and that the content of the paper copy and the computer-readable form is the same. The computer-readable file is titled 105GSEQ.001.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated at La Jolla, California this 26th day of July 2001.


Stephanie Seidman
Registration No. 33,779